REMARKS

The Office Action dated April 28, 2009, and made Final, has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-5 and 7-21 are now pending in this application. Claims 1-21 stand rejected. Claim 6 has been canceled.

The rejection of Claims 1-6 and 16-20 under 35 U.S.C. § 101, for being directed to non-statutory subject matter, is respectfully traversed. Claim 1 has been amended to recite "accepting a wager from the player via a gaming machine input device . . . comparing, via a processor, the accepted wager to the preselected wager threshold . . . initiating the secondary game, by the gaming machine, when the accepted wager equals the preselected wager threshold . . . reporting the outcome for play of the primary game via a gaming machine primary indicator and an outcome for play of the secondary game via a gaming machine secondary indicator." Applicant respectfully submits that the subject matter of Claim 1 as amended is functional tied to the gaming machine, thus satisfying the machine-or-transformation test. Accordingly, Applicant submits that Claim 1 is directed to statutory subject matter in accordance with Section 101.

Claim 6 has been canceled. Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-5 likewise are directed to statutory subject matter in accordance with Section 101.

Claim 16 has been similarly been amended. Specifically, Claim 16 has been amended to recite "permitting play on the primary game using the gaming machine . . . accepting a wager via a gaming machine input device . . . comparing, by a processor, the wager to one of a first predetermined threshold and a second predetermined threshold . . . permitting play on a secondary game using the gaming machine . . . reporting a first outcome responsive to play on the gaming machine via a first indicator . . . reporting a second outcome responsive to play on the gaming machine via a second indicator." Applicant respectfully submits that the

subject matter of Claim 16 as amended is functional tied to the gaming machine, thus satisfying the machine-or-transformation test. Accordingly, Applicant submits that Claim 16 is directed to statutory subject matter in accordance with Section 101.

Claims 17-20 depend from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are directed to statutory subject matter in accordance with Section 101.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 1-6 and 16-20 be withdrawn.

The rejection of Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0060266 to Baerlocher, et al. (hereinafter referred to as "Baerlocher") in view of U.S. Patent 6,620,046 to Rowe (hereinafter referred to as "Rowe") is respectfully traversed.

Independent Claim 1 has been amended to recite, at least in part, "presenting a preselected wager threshold to a player...." Independent Claim 7 has been similarly amended. Applicant submits that such a recitation is supported in the specification at, for example, paragraph [0046]. Specifically, paragraph [0046] describes that "casinos can inform the player that the threshold has not been met, and can invite him to increase his wager in order to gain access to the secondary game. This information can be communicated to the player through audio associated with the gaming machine or bank of gaming machines 20, through an indicator light on the gaming machine, through a display associated with a gaming machine, such as the touchscreen display 218 described above, or through a printer 212 associated with the EGM 10 or bank of gaming devices 20 (FIG. 2A)." Applicant respectfully submits that no combination of Baerlocher and Rowe describes nor suggests such a recitation. Rather, Baerlocher describes automatically initiating a bonus game when a player achieves a qualifying condition in a base game, and Rowe describes awarding a bonus independent of a specific outcome of a base game.

Moreover, independent Claim 16 has been amended to recite, at least in part, "comparing, by a processor, the wager to one of a first predetermined threshold and a second predetermined threshold that is different than the first predetermined threshold, wherein the first predetermined threshold applies to players not enrolled in the player tracking system and wherein the second predetermined threshold applies to players enrolled in the player tracking system . . . permitting play on a secondary game using the gaming machine when the wager equals one of the first predetermined threshold . . . and the second predetermined threshold...." Applicant submits that such a recitation is supported in the specification at, for example, paragraphs [0047] and [0053]. Specifically, paragraph [0053] describes that "the promotion server 68 will determine whether a player tracking card is [in] use. In the event play is not being tracked, the flow will be similar to that described with respect to FIG. 3, and will proceed with the first threshold level at a process 430. In the event a player tracking card is in use, the promotion server 68 can designate a second wager threshold, also at a process 430." Independent Claim 21 has been similarly amended. Applicant respectfully submits that no combination of Baerlocher and Rowe describes nor suggests such a recitation. Rather, Baerlocher describes initiating one of a number of bonus games based on detection of a particular bonus trigger and a wager of a particular number of credits, and Rowe describes determining eligibility for participation in a bonus based on any of a number of criteria. However, no combination of Baerlocher and Rowe describes nor suggests comparing a wager to either a first predetermined threshold or a second predetermined threshold based on whether the player is enrolled in a player tracking system.

Baerlocher describes a gaming method that requires a player at a gaming device (10) to wager a number of credits to qualify or be eligible for a main or first bonus game. The gaming device (10) determines whether a bonus triggering symbol or symbol combination (hereinafter referred to as a "bonus trigger") for the first bonus game appears along a payline (56) or in a scatter arrangement. If the bonus trigger for the first bonus game is generated, the gaming device (10) determines whether the player has wagered at least a first predefined number of credits. If so, the gaming device (10) initiates the first bonus game. If the bonus trigger is generated, but the player has not wagered at least the first predefined number of credits, the gaming device (10) determines whether the player has wagered at least a second

predefined number of credits, which is less than the first predefined number. If so, the gaming machine (10) initiates a second bonus game. In addition, if the bonus trigger is not generated but a second, different bonus trigger for the second bonus game has been generated, and at least the second predefined number of credits has been wagered, the gaming device (10) initiates the second bonus game. Notably, Baerlocher does not describe nor suggest presenting a preselected wager threshold to a player. Moreover, Baerlocher does not describe nor suggest comparing a wager to either a first predetermined threshold or a second predetermined threshold based on whether the player is enrolled in a player tracking system.

Rowe describes a bonus system (50) that includes a gaming machine (20) that is coupled to other devices through a communication network (58), including other gaming machines (20) and a player tracking or reward system host (54). The gaming machine (20) includes a player tracking device including a card reader (34) and/or a keypad (44). The host (54) provides a player tracking reward or "comp" function in which players that use player tracking cards are awarded with prizes based on, for example, a number of points accrued by using the player tracking card during play. The bonus system (50) determines eligibility of players to participate in a bonus event based on, for example, play of a specific gaming machine or type of gaming machine, wagering of a particular amount, an amount won or lost, a particular point total in a player's reward account, whether the player has identified himself via the host (54), and the like. The bonus event is enabled for eligible players, and winning players are then awarded with a bonus prize. Notably, Rowe does not describe nor suggest presenting a preselected wager threshold to a player. Moreover, Rowe does not describe nor suggest comparing a wager to either a first predetermined threshold or a second predetermined threshold based on whether the player is enrolled in a player tracking system. Rather, Rowe describes determining whether a player is eligible for a bonus event based on the player identifying himself to a player tracking system.

Claim 1 recites a method for controlling access to a secondary game on a gaming machine during play of a primary game, wherein the method comprises "presenting a preselected wager threshold to a player . . . accepting a wager from the player via a gaming machine input device . . . comparing, via a processor, the accepted wager to the preselected

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wager threshold . . . initiating the secondary game, by the gaming machine, when the accepted wager equals the preselected wager threshold, wherein initiation of the secondary game is based only on the comparison of the accepted wager to the preselected wager threshold and regardless of an outcome of the primary game . . . reporting the outcome for play of the primary game via a gaming machine primary indicator and an outcome for play of the secondary game via a gaming machine secondary indicator."

No combination of Baerlocher and Rowe describes nor suggests a method for controlling access to a secondary game on a gaming machine during play of a primary game, as recited in Claim 1. More specifically, no combination of Baerlocher and Rowe describes nor suggests presenting a preselected wager threshold to a player of the gaming machine. Rather, Baerlocher describes automatically initiating one of a number of bonus games based on detection of a particular bonus trigger and a wager of a particular number of credits, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher in view of Rowe.

Claim 6 has been canceled. Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-5 likewise are patentable over Baerlocher in view of Rowe.

Claim 7 recites a system for allowing secondary play on a gaming machine having a primary game and a secondary game, wherein the system comprises "a monitor configured to display a prestored trigger to a player . . . a determiner structured to compare a wager to the prestored trigger . . . a controller coupled to the determiner and structured to initiate the secondary game responsive to a signal received from the determiner, wherein initiation of the secondary game by the controller is based only on the comparison of the wager to the prestored trigger regardless of either a timing of the comparison of the wager to the prestored trigger and an outcome of the primary game, said controller further structured to report at

least one of the outcome for play of the primary game and an outcome for play of the secondary game."

No combination of Baerlocher and Rowe describes nor suggests a system for allowing secondary play on a gaming machine having a primary game and a secondary game, as recited in Claim 7. More specifically, no combination of Baerlocher and Rowe describes nor suggests a system that includes a display configured to display a prestored trigger to a player. Rather, Baerlocher describes automatically initiating one of a number of bonus games based on detection of a particular bonus trigger and a wager of a particular number of credits, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher in view of Rowe.

Claims 8-15 depend from independent Claim 7. When the recitations of Claims 8-15 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claims 8-15 likewise are patentable over Baerlocher in view of Rowe.

Claim 16 recites a method of initiating a secondary game on a gaming machine during play of a primary game, wherein the method comprises "determining whether a player is enrolled in a player tracking system . . . accepting a wager via a gaming machine input device . . . comparing, by a processor, the wager to one of a first predetermined threshold and a second predetermined threshold that is different than the first predetermined threshold, wherein the first predetermined threshold applies to players enrolled in the player tracking system and wherein the second predetermined threshold applies to players not enrolled in the player tracking system . . . permitting play on a secondary game using the gaming machine when the wager equals one of the first predetermined threshold when it is determined that the player is not enrolled in the player tracking system, and the second predetermined threshold when it is determined that the player is enrolled in the player tracking system, wherein permission to play the secondary game is based only on the comparison of the wager to one

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of the first and second predetermined thresholds regardless of a timing of the comparison of the wager to one of the first and second predetermined thresholds...."

No combination of Baerlocher and Rowe describes nor suggests a method of initiating a secondary game on a gaming machine during play of a primary game, as recited in Claim 16. More specifically, no combination of Baerlocher and Rowe describes nor suggests comparing a wager to either a first predetermined threshold or a second predetermined threshold, wherein the first predetermined threshold is applied to players that are not enrolled in a player tracking system and the second predetermined threshold is applied to players that are enrolled in the player tracking system. Moreover, no combination of Baerlocher and Rowe describes nor suggests permitting play on the secondary game when the wager equals the first predetermined wager for a player that is not enrolled in the player tracking system or when the wager equals the second predetermined wager for a player that is enrolled in the player tracking system. Rather, Baerlocher describes automatically initiating one of a number of bonus games based on detection of a particular bonus trigger and a wager of a particular number of credits, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game. However, no combination of Baerlocher and Rowe describes nor suggests comparing a wager to either a first threshold or a second threshold based on whether a player is enrolled in a player tracking system, such that a wager for an enrolled player may be less than a wager for an unenrolled player for initiation of a secondary game.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Baerlocher in view of Rowe.

Claims 17-20 depend from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are patentable over Baerlocher in view of Rowe.

Claim 21 recites a system for accessing a secondary game during play of a primary game, wherein the system comprises "a plurality of gaming machines that each gaming machine comprise a data input device configured to accept a wager from a player and a

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player tracking device configured to accept a player tracking card from the player . . . a server coupled to the plurality of gaming machines, wherein said server comprises: a player tracking determiner configured to determine whether the player is enrolled in a player tracking system based on signals received from said player tracking device . . . a comparator configured to: compare the wager to the one of a first wager threshold and a second wager threshold different than the first wager threshold, wherein the wager is compared to the first wager threshold if the player is not enrolled in the player tracking system, and wherein the wager is compared to the second wager threshold if the player is enrolled in the player tracking system . . . generate a signal to initiate a secondary game based only on the comparison of the wager to one of the first and second wager thresholds, wherein the comparison of the wager to one of the first and second wager thresholds occurs regardless of at least one of an outcome of the primary game, and a timing of the comparison of the wager to one of the first and second wager thresholds."

No combination of Baerlocher and Rowe describes nor suggests a system for accessing a secondary game during play of a primary game, as recited in Claim 21. More specifically, no combination of Baerlocher and Rowe describes nor suggests a comparator that compares a wager to either a first predetermined threshold or a second predetermined threshold, wherein the first predetermined threshold is applied to players that are not enrolled in a player tracking system and the second predetermined threshold is applied to players that are enrolled in the player tracking system. Moreover, no combination of Baerlocher and Rowe describes nor suggests that the comparator generates a signal to initiate a secondary game when the wager equals the first predetermined wager for a player that is not enrolled in the player tracking system or when the wager equals the second predetermined wager for a player that is enrolled in the player tracking system. Rather, Baerlocher describes automatically initiating one of a number of bonus games based on detection of a particular bonus trigger and a wager of a particular number of credits, and Rowe describes determining eligibility for participation in a bonus and awarding a bonus independent of a specific outcome of a base game. However, no combination of Baerlocher and Rowe describes nor suggests comparing a wager to either a first threshold or a second threshold based on whether
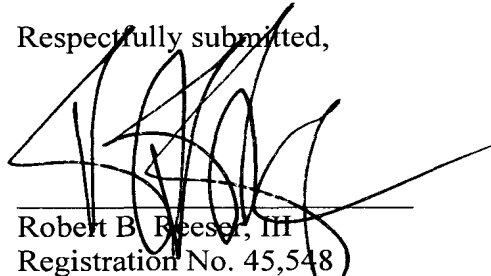
a player is enrolled in a player tracking system, such that a wager for an enrolled player may be less than a wager for an unenrolled player for initiation of a secondary game.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Baerlocher in view of Rowe.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-21 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

Robert B. Reeser, III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070